

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 23-cr-155 (SRN/TNL)

Plaintiff,

v.

ORDER

Obuatawan Leon Holt,

Defendant.

This matter comes before the Court on Defendant Obuatawan Leon Holt's Motion to Continue Motions Filing Deadline and Motion Hearing and to Exclude Time Under the Speedy Trial Act, ECF No. 59. Defendant also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act ("Statement of Facts"). *Id.* at 1-2.

Defendant requests an extension of the deadline to file pretrial motions as well as the motion hearing date. *Id.* at 1. In his Statement of Facts, Defendant explains that additional time is needed to file an amended pretrial motion after additional DNA discovery is disclosed. *Id.* at 1-2. Defendant further explains that prior to the motions hearing held on October 23, 2023, Defendant was informed by the Government that there is additional DNA discovery that has not yet been disclosed. *Id.* According to Defendant, the Government agreed to help facilitate the disclosure of the DNA discovery. *Id.* at 2.

After bringing the DNA discovery issue to the Court's attention at the motions hearing, and with no objection by the Government, the parties agreed to schedule the new motions filing deadline for December 11, 2023 and to continue the motions hearing to

December 22, 2023. *Id.* Defendant also agreed at the hearing to file this motion and Statement of Facts.

Additionally, Defendant contends that an extension is necessary to allow the parties additional time to meet and confer regarding the additional DNA discovery. *Id.* at 2. Defendant requests the Court to exclude all time between May 3, 2023 (the date of the unsealing of the Indictment), and the date of the rescheduled motions hearing (December 22, 2023). *Id.*

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendants in a speedy trial and such continuance is necessary to provide the parties and their respective counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Continue Motions Filing Deadline and Motion Hearing and to Exclude Time Under the Speedy Trial Act, ECF No. 59, is **GRANTED**.

2. The period of time from **the date of this Order through December 22, 2023**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **December 11, 2023**.

D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.

4. **Counsel shall electronically file a letter on or before December 11, 2023, if no motions will be filed and there is no need for hearing.**

5. All responses to motions shall be filed by **December 18, 2023**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses shall be filed by **December 18, 2023**. D. Minn. LR 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses shall be filed by **December 20, 2023**. D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures, and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection, or response pleadings.

9. If required, the motions hearing, shall take place before the undersigned on **December 22, 2023, at 10:00 a.m.**, in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT, the following trial and trial-related dates are:**

All voir dire questions and jury instructions and trial related motions (including motions in limine) must be submitted to District Judge Susan Richard Nelson on or before *a date to be determined*.

This case must commence trial on *a date to be determined* before District Judge Susan Richard Nelson in Courtroom 7B, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Nelson to confirm the new trial date.

Dated: October 31, 2023

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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